

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
**MICHELLE OCHS,**

:

1:20-CV-04215-NRB

**Plaintiff,**

:

**v.**

:

**[PROPOSED] DEFAULT JUDGMENT**

**CUSHNIE, LLC (formerly known as CUSHNIE ET: OCHS, LLC), and CUSHNIE Holdings, llc (formerly: known as cushionie ET OCHS HOLDINGS, LLC),**

:

**Defendants.**

-----x

Upon consideration of Plaintiff's application for entry of default judgment against Defendants Cushnie, LLC (formerly known as Cushnie et Ochs, LLC) and Cushnie Holdings, LLC (formerly known as Cushnie et Ochs Holdings, LLC) (each a "Defendant" and together "Defendants") under Rule 55.2(b) of the Federal Rules of Civil Procedure and Local Rule 55.2, the declaration of Plaintiff's counsel Todd A. Higgins, Esq. and exhibits attached thereto, the Statement of Damages filed in connection herewith, and upon all prior papers and proceedings filed herein, it is hereby:

**ORDERED, ADJUDGED and DECREED** that:

- (1) Default judgment be entered against Defendants;
- (2) A judgment for monetary relief and damages is entered in favor of Plaintiff and against Defendants, in the amount of \$387,252.57, consisting of:
  - a. \$360,000.00, representing monetary damages arising out of Defendants' breach of the Settlement Agreement and Promissory Notes at issue in this action;

- b. \$17,514.87, representing the reasonable attorneys' fees, costs and expenses incurred in this action;
  - c. \$9,737.70, representing pre-judgment interest upon the above-referenced monetary damages at a rate of 9% calculated from the earliest ascertainable date the cause of action existed, i.e., March 27, 2020;
- (3) Post-judgment interest shall accrue ~~at the rate of \_\_\_\_ % per annum in accordance with~~ pursuant to 28 U.S.C. § 1961, from the date of entry of this Default Judgment until the Judgment Amount and all accrued interest are paid in full by Defendants to Plaintiff;
- (4) This Court shall retain jurisdiction over any matter pertaining to this judgment; and
- (5) This case is DISMISSED and the Clerk of the Court shall remove it from the docket of the Court.

New York, New York

Dated: August 28, 2020

**SO ORDERED.**

  
Naomi Reice Buchwald (U.S.D.J.)